

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	)	
	)	
	)	
David Moore,	)	CIVIL ACTION NO.: 04-CF-40-3227
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
The State of South Carolina	)	
Department of Insurance and	)	
Ernest Csiszar, in his	)	
capacity as Director of the	)	
South Carolina Department	)	
of Insurance,	)	
	)	
Defendants.	)	

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This matter came before me pursuant to a Notice of Motion and Motion for Partial Summary Judgment and Motion to Compel filed against the Defendants in the above-referenced case.

Present at the hearing which was held on August 10, 2005, were attorney William H. Davidson, II, representing the Defendants and Harry C. DePew, representing the Plaintiff.

At the call of the case, Plaintiff's counsel advised the Court that in regard to the Motion to Compel, Defendants had in fact responded to the outstanding Interrogatories and Request for Production and that it was not necessary to argue such motion at this time pending his review of these documents and responses.

The Plaintiff next argued that based on the Defendant's failure to answer the Plaintiff's request for admissions, the Court should grant partial summary judgment as to the denial of due process as guaranteed not only under the provisions of Title 38 of the South Carolina Code of Laws, 1976, but also under the South Carolina Administrative Procedures Act, Section 1-23-10 et seq.

It is clear from a review of the Complaint which is styled as a Petition for Writ of Mandamus, that the Plaintiff's prayer requests the Court to issue a Writ of Mandamus requiring a hearing be held by the Department of Insurance in compliance with the Order of Remand issued by the Honorable C. Dukes Scott, South Carolina Administrative Law Judge.

It is also clear to the Court that such a hearing has already been scheduled for September 28, 2005, to be conducted by representatives of the South Carolina Department of Insurance.

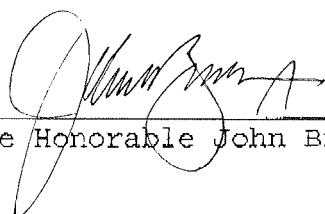
Consequently, the relief requested by Plaintiff's counsel for Writ of Mandamus has been satisfied by the Defendants and therefore this issue is now moot.

Insofar as Plaintiff's claims for damages are concerned, such claims are not justiciable at this time since such hearing has not been held by the Department of Insurance. In ruling such a request for damages is not presently justiciable, the

Court in no way expresses any opinions as to the ability of the Plaintiff to renew such claim in the future in another action.

IT IS THEREFORE ORDERED that the Plaintiff's claim for a Writ of Mandamus is moot and further that there exists no justiciable issue at this time between the parties. It is further ordered that this matter be dismissed without prejudice

AND IT IS SO ORDERED.

  
The Honorable John Breeden

~~August~~ 24, 2007  
*March*